

Message Text

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ACTION L-03

INFO OCT-01 IO-13 ISO-00 DLOS-09 ACDA-12 AGRE-00
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TRSE-00 H-01 INR-10 INT-05 JUSE-00 NSAE-00 NSC-05
NSF-01 OES-07 OMB-01 PA-01 PM-05 SP-02 SS-15
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C O N F I D E N T I A L GENEVA 06196

FOR L

E.O. 11652: GDS
TAGS: PLOS
SUBJECT: LOS - DELIMITATION

1. THE NEGOTIATING GROUP UNDER MANNER (FINLAND) HAS MET ON SEVERAL OCCASIONS, PRODUCING USUAL SPLIT OF OPINION REGARDING DELIMITATION OF ECONOMIC ZONE AND CONTINENTAL SHELF (ICNT ARTICLES 74 AND 83).

2. OUR ASSESSMENT IS THAT PRINCIPAL US EFFORT SHOULD BE TO AVOID SENDING SIGNALS THAT COULD DISRUPT BILATERAL NEGOTIATIONS. PARAGRAPH 1 OF EXISTING TEXT IS FAVORABLE TO US VIEW, AND CANADIANS AND BAHAMIANS ARE TRYING TO CHANGE IT. NEVERTHELESS, WE NOTE THAT IN THE END, IT MAY NOT BE POSSIBLE TO PRODUCE WIDELY RATIFIABLE LOS TREATY WITHOUT COMPLETE ELIMINATION OF CLAUSE ON DELIMITATION, AN EXTREMELY VAGUE CLAUSE, OR A CLEAR RIGHT TO RESERVE TO ANY CLAUSE ON THE SUBJECT.

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3. IN THE INTERIM, WE ARE FACED WITH INEVITABILITY THAT NEGOTIATING GROUP CHAIRMAN WILL ATTEMPT NEW DRAFTS. WITHOUT COMMITTING THE US, WE BELIEVE THE BEST TACTIC TO PURSUE IS TO DIRECT CHAIRMAN'S EFFORTS TO REMAINING PARAGRAPHS OF ARTICLES 74 AND 83, LEAVING PARAGRAPH 1 INTACT. THUS, ATTENTION WOULD FOCUS ON THE QUESTION OF PROCEDURES IN THE EVENT AGREEMENT CANNOT BE REACHED. IN THIS CON-

NECTION, WE BELIEVE CHAIRMAN MIGHT BE TEMPTED TO WORK ON COMPROMISE UNDER WHICH A COASTAL STATE EXPLOITING, AND PERHAPS EXPLORING, NATURAL RESOURCES BEYOND EQUIDISTANCE LINE, WITHOUT AGREEMENT OF THE NEIGHBORING STATE, COULD NOT REFUSE TO GO TO THIRD PARTY SETTLEMENT AT THE REQUEST OF THE NEIGHBORING STATE. SUCH AN APPROACH WOULD ATTEMPT TO ACCOMMODATE VIEWS OF THOSE FAVORING AND OPPOSING MANDATORY THIRD PARTY SETTLEMENT OF DELIMITATION DISPUTES, AND BETWEEN THOSE FAVORING AND OPPOSING MANDATORY INTERIM RULE THAT NO STATE MAY GO BEYOND THE EQUIDISTANCE LINE PENDING AGREEMENT. MOREOVER, IT HELPS PROMOTE VIEW THAT THERE COULD BE NO INTERIM EQUIDISTANCE RULE WITHOUT THIRD PARTY SETTLEMENT, BUT IN A MANNER THAT DOES NOT REQUIRE US TO SURFACE ON THAT ISSUE. WE SUSPECT SOVIETS WILL NEVERTHELESS TORPEDO PACKAGE ON BASIS THAT NO EXISTING DELIMITATION DISPUTES CAN BE SUBJECT TO COMPULSORY THIRD-PARTY SETTLEMENT.

4. USDEL, AS IN THE PAST, HAS NO INTENTION OF TAKING ACTIVE ROLE IN DEBATE, INJECTING US/CANADIAN OR US/BAHAMIAN DIFFERENCES INTO THESE NEGOTIATIONS, OR DOING MORE THAN IS MINIMALLY NECESSARY TO AVOID SUCCESS OF CANADIAN, BAHAMIAN, AND OTHER EQUIDISTANCE SUPPORTERS. RICHARDSON

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